

## APPEAL NO. 010631

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 5, 2001. The hearing officer determined that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 15th compensable quarter. Claimant appealed this determination on sufficiency grounds, contending he proved he had no ability to work. Respondent (carrier) urges affirmance of the decision in all respects.

### DECISION

We affirm.

We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination that claimant is not entitled to SIBs is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Claimant also contended that the hearing officer abused his discretion in admitting a medical report from Dr. D. However, this report was admitting without objection, so any possible error was waived.

We note that the hearing officer made findings regarding claimed participation in a Texas Rehabilitation Commission (TRC)-sponsored program. We perceive no reversible error in this regard. We note that what constitutes full-time participation or satisfactory participation in a TRC-sponsored program has been clarified in Texas Workers' Compensation Commission Appeal No. 010500, decided April 18, 2001, and Texas Workers' Compensation Commission Appeal No. 010483-S, decided April 20, 2001. Evidence of a TRC training plan must be included in the record. Generally, if the TRC indicates that claimant is satisfactorily participating in a full-time rehabilitation program, the Texas Workers' Compensation Commission will not look behind this TRC determination to analyze the number of hours spent in the program, but will accept the TRC's determination regarding full-time, satisfactory participation.

We affirm the hearing officer's decision and order.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Michael B. McShane  
Appeals Judge